

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

FILED  
BILLINGS DIV.

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PATRICK E. LUFF, CLERK  
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UNITED STATES OF AMERICA,	)	Cause No. CR 03-27-BLG-RFC
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER DENYING MOTION
	)	TO SEAL
ANDREW LUCERO,	)	
	)	
Defendant.	)	
_____	)	


On August 16, 2010, May 10, 2007, Defendant Andrew Lucero ("Lucero") filed a motion to seal the record of this case and another, United States v. Espinoza, No. CR 03-26-BLG-RFC (D. Mont. filed Feb. 21, 2003), on the grounds that he believes "several news agencies" intend to publish stories about him and other persons involved in his case. He is "worried about having his own name muddied." Br. in Supp. of Mot. (doc. 246) at 3.

Sealing the entire record of Lucero's prosecution, conviction, and sentence on drug charges would go far beyond protecting any legitimate privacy interest he may

have. If particular documents in the record of Lucero's case contain details of individual conduct that are of little public interest but of substantial private interest, it is possible that such documents might be sealed or redacted. E.g., Valley Broadcasting Co. v. United States Dist. Court, 798 F.2d 1289, 1293 (9th Cir. 1986). However, the mere fact that Lucero was associated with Rex and Rex became associated with Kelleher and Woodward is a public matter already known to many people. Sealing judicial records is not an appropriate or effective means of removing facts from the venue of public discussion. "Complete emotional tranquility is seldom attainable in this world, and some degree of trivial and transient emotional distress is a part of the price of living among people." Restatement (Second) of Torts § 46, comment j.

Accordingly, IT IS HEREBY ORDERED that Lucero's motion to seal (doc. 245) is DENIED.

DATED this 17 day of August, 2010.

A handwritten signature in black ink, appearing to read "Richard F. Cebull", written over a horizontal line.

Richard F. Cebull  
United States District Judge